

TO SEE IF THE TOWN WILL VOTE TO:

Amend the Protective Zoning Bylaws by adding the following definitions:

Clinic: A building or part thereof, used by physicians, medical doctors, dentists, chiropractors, osteopaths, psychotherapists, or occupational therapists their staff and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic may include administrative offices, reception areas, waiting rooms, treatment rooms, laboratories, x-ray and minor operating rooms, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodations for in-patient care, or overnight care facilities.

Hospital: Any institution with facilities for overnight care, however named, whether conducted for charity or profit, which is advertised, announced, established or maintained for the purpose of caring for persons admitted thereto for diagnosis or medical, surgical or restorative treatment which is rendered within said institution.

Healthcare facility: A clinic or hospital.

Professional Office: – An office primarily devoted to professional activities, including real estate, insurance or other agency offices; an office of an accountant, physician, teacher, dentist, engineer, lawyer, homebuilder, tailor, decorator, artist, dancer, licensed massage therapist, or other recognized professional for which specific training and/or licensing is required.

Health Club: An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

Garden Center: , A retail center for the sale and/or display of shrubs, trees, plants, garden supplies, and related items.

Personal Services Establishment: An establishment whose primary function includes, but is not limited to, one of the following: a barber shop, hair salon, nail salon, tanning salon, self-service laundry, garment or shoe makers and repairers; tailor, florist; printing, publishing or photocopying; photographer's studio; baker, caterer or confectioner.

Supermarket: A retail establishment primarily selling food and grocery items and which may sell other merchandise such as convenience items, household supplies, hardware, patent medicines and personal care products.

Retail Business: A business primarily engaged in the selling or offering for sale of merchandise directly to the general public for personal or household consumption or use but not for resale, including department stores.

Wholesale Business: A business primarily engaged in buying merchandise for resale to retailers or to industrial, commercial, institutional, farm, business users or other wholesalers, or in acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies on a commission basis.

Day Care Center. Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, preschool, or known under any other name which receives children, not of common parentage, under seven years of age or under 16 years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parent(s). Day care center shall not include: any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery, or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; and a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

TO SEE IF THE TOWN WILL VOTE TO:

Amend the Protective Zoning By-laws of the Town of Maynard an the Zoning Map of Maynard to create a Neighborhood Business Overlay District in the Town to overlay approximately ____ acres of land off Parker Street; the Neighborhood Business Overlay District encompassing the property identified as Assessor's Map 25; Parcel 152. The land initially subject to the Neighborhood Business Overlay District is more particularly described as follows. [**HERE, insert legal description**]

TO SEE IF THE TOWN WILL VOTE TO:

Amend the Protective Zoning Bylaws to replace Section 2.1 with the following:

.1 Types of Districts

The Town of Maynard is hereby divided into twelve types of districts: ten base zoning districts and two overlay districts as follows:

Base Districts.

Single Residence District S-1
Single Residence District S-2
General Residence District
Business District
Central Business District
Industrial District
Garden Apartment District
High Rise Apartment District
Open Space District
Health Care/Industrial District

Overlay Districts.

Water Supply Protection District
Neighborhood Business Overlay District

Said districts are shown on a map entitled "Zoning Map of Maynard," dated October 5, 1959, as revised thereafter, which map is signed by the Planning Board and is on file with the Town Clerk.

TO SEE IF THE TOWN WILL VOTE TO:

Amend the Protective Zoning Bylaws add the following as Section 6E:

SECTION 6E
NEIGHBORHOOD BUSINESS OVERLAY DISTRICT (NBOD)

6E.1 TITLE AND PURPOSE

The Neighborhood Business Overlay District (NBOD) has been established to encourage and authorize the mixed-use development of large land areas by means of authorizing and combining a variety of building types and uses with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Maynard generally.

6E.2 APPLICABILITY

The NBOD is an overlay district superimposed over, rather than replacing, the applicable underlying zoning districts. The NBOD authorizes certain uses not allowed in the base district provided certain special terms and conditions are met with respect to the establishment of such uses. The regulations of the NBOD shall govern the construction of new buildings for any permitted (by right or special permit) use under the NBOD which is not otherwise permitted (by right or special permit) in the base district. For all other matters, the provisions of the base district shall apply. Nothing contained in this Section 6E shall prohibit or limited uses otherwise permitted by right or by special exception in the base zoning district(s).

6E.3 PERMITTED PRINCIPAL USES

The following uses are expressly allowed in the Neighborhood Business Overlay District:

- A. Clinic and Healthcare Facilities
- B. Day Care Center
- C. Health Club
- D. Restaurants
- E. Municipal Uses
- F. Garden Center
- G. Professional Office
- H. Personal Services Establishment
- I. Supermarkets
- J. Retail or Wholesale Business

Multiple principal uses may exist on a single lot or parcel with the NBOD.

6E.4 PERMITTED ACCESSORY USES

The following uses shall be available as accessory to the above principal uses and as accessory to uses permitted in the underlying district(s).

- A. Structured parking.
- B. Outdoor storage of recreational equipment.
- C. Outdoor recreational facilities including athletic field and tennis and basketball courts.
- D. Outdoor storage, display and sales of merchandise accessory to a permitted principal retail use.
- E. Bank automated teller machine.
- F. Management or maintenance office.
- G. Parking and accessory drives for all permitted uses in the Industrial base Zoning District, as well as any and all utilities necessary to support such permitted uses, whether or not on the same lot as the principal use.
- H. Uses and structures customarily incidental to any permitted principal use.

6E.5 PERMITTED BY SPECIAL PERMIT OF THE BOARD OF APPEALS

- A. Multi-family Dwelling

6E.6 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD

- A. Dry Cleaning Establishments
- B. [FOR DISCUSSION – CERTAIN RETAIL USES TO REQUIRE SPECIAL PERMIT]

6E.7 NBOD DIMENSIONAL REQUIREMENTS

Table 6-1 lists the maximum gross floor area for a single occurrence of a given Principal Use within the NBOD. For principal uses without such a listing in Table 6-1 there exists no maximum gross floor area requirement

TABLE 6-1: NBOD Dimensional Requirements

Principal Use	Maximum Gross Floor Area
Multi-Family Dwelling	N/A
Healthcare Facilities	N/A
Municipal Uses	N/A
Dry Cleaning Establishment	5,000 s.f.
Day Care Center	10, 000 s.f.
Health Club	15,000 s.f.
Restaurant	10,000 s.f.
Garden Center	25,000 s.f.
Personal Service Establishment	10,000 s.f.
Supermarket	75,000 s.f.
Retail Business	50,000 s.f.

The total gross floor area for all Principal Uses within the NBOD, for which a maximum gross floor area is listed in Table 6-1, shall not exceed **175,000 s.f.**

6E.8 DESIGN CRITERIA APPLICABLE TO RETAIL USES ESTABLISHED WITHIN THE NBOD

In addition criteria and/or regulations listed in other sections of this bylaw, the criteria listed in this section must be adhered for any action requiring Site Plan Approval as listed in Section 14.

(A) Public Amenities. Each new retail establishment constructed within the NBOD shall contribute to the enhancement of the community by providing at least two of the following amenities or design features: In cases which the criteria listed in this section conflict with other criteria and/or regulations listed in this bylaw, the criteria in this section shall take precedence.

1. Patio/outdoor seating area.
2. Pedestrian plaza with benches.
3. Kiosk area.
4. Water feature
5. Steeple
6. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Board, adequately enhances the community in a manner similar to items 1–5, above.

(B). Screening/Vegetated Buffers. No existing vegetation in the required setback area will be disturbed, destroyed or removed, except for normal maintenance. Furthermore, in connection with the construction of new retail buildings, a landscaped buffer, consisting of dense plantings of suitable trees and shrubbery, buffers or fencing shall be provided in the required set back from existing residences. The vegetated buffers shall employ existing vegetation, nursery stock, or both; which shall include a mixture of evergreen trees and deciduous shrubs.

(C). Lighting. All outdoor, pole-mounted lighting used to illuminate parking and loading areas, walkways and pedestrian plazas shall be arranged and shielded so as to direct the light away from public streets or adjacent properties.

(D). Utilities Underground. All new, non-municipal utilities (such as electricity, telephone, gas, fiber optic cable) shall be placed underground.

(E). Enhanced Setbacks. For the construction of any new building, a setback area of forty-five (45) feet shall be provided at the perimeter of any lot or parcel in the MUOD where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site; provided, however, that existing structures and existing access roadways are exempt from the requirements set forth herein. However, existing structures and parking areas shall not be made more non-conforming except for ADA compliance.

(F). Architectural Review Criteria. The Architectural Design Criteria [Attached? In Site Plan Regs] shall apply to all new buildings constructed within the NBOD for uses set forth in Section 6E.3 not otherwise allowed (by right or special permit) in the use district..

6E.9 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

Refer to Section 14, Site Plan Approval, for Site Plan Approval applicability requirements in this district.

AMENDMENT

Vote to amend Section 10.4 of the Zoning By-Law and the Zoning Map of the Town of Maynard to include and depict the Mixed Use Overlay District.

SPONSORED BY:
PLANNING BOARD

The following action was taken: